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2 Hon. Timothy W. Dore  
3 Hearing location- Court Rm 8106  
4 Seattle WA  
5 Hearing date: August 16, 2017  
6 Hearing Time: 9:30 AM  
7 Response date: August 9, 2017

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10 **IN THE UNITED STATES BANKRUPTCY COURT**  
11 **WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

12 In re: ) Case No. 13-12394  
13 ERIC J. COLE and ALICA M. COLE, )  
14 ) **RESPONSE TO MOTION BY**  
15 ) **TRUSTEE FOR PLAN**  
16 ) **MODIFICATION**  
17 ) CHAPTER: 13  
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24 Debtors, through their undersigned counsel, respond to the filed Motion by trustee as  
25 follows:

26 1. The proposed modification uses gross income figures for calculation of the requested  
27 increase. This is fundamentally unfair as there are mandatory deductions for various employee  
benefits, several insurance or L & I premiums, union dues, and increased Federal taxes at 25%,  
and FICA deductions on the current increased income that in all fairness should be allowed  
before the correct revised figure is determined. The debtors' current total gross income,  
deductions and household expenses are shown in the exhibits "I" and "J" attached hereto. Total  
gross income is somewhat higher than the trustee figure; current household expenses are very  
similar. The correct net increase should be determined to be \$3,269/mo.

28 2. The declaration of debtors below should be considered.

29 DATED this 22nd day of July, 2017.

30 ***RESPONSE TO TRUSTEE MOTION FOR PLAN MODIFICATION***

/S/ THOMAS P. VEST, WSBA #11272  
Attorney for Debtors  
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Bellevue WA 98005  
(425) 644-2200

**-DECLARATION OF DEBTORS-**

We have attached true and correct copies of our respective last two paystubs showing current YTD income and deductions from gross pay. My income as a police officer contains overtime pay which is not guaranteed but has been included in the total. My LEOFF retirement deduction is mandatory as part of the union pay package and state law. We request that the proposed modification consider the true total family disposable income figure as shown in the attached final net figure of \$3,269/mo. shown on schedule "J".

Dated this 22<sup>nd</sup> day of July, 2017.

/s/ Eric J. Cole

/s/ Alicia M. Cole

## ***RESPONSE TO TRUSTEE MOTION FOR PLAN MODIFICATION***